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**DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPLEX CATIONIC LIPIDS HAVING QUATERNARY NITROGENS THEREIN; the specification of which was filed on **June 5, 1998** as Application Serial No. **09/092,486**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S.A. Application(s)**

Application No.: **08/565,756**      Filing Date: **11/30/95**      Status: **Pending**

**POWER OF ATTORNEY:** I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole inventor: **Carl J. Wheeler**

Inventor's signature Carl J. Wheeler

Date 17 July 1998

Residence: **Poway, California**

Citizenship: **United States of America**

Post Office Address: **14101 Arbolitos Drive, Poway, California 92064-6439**

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Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Carl J. Wheeler	)
			)
App. No.	:	09/092,486	)
			)
Filed	:	June 5, 1998	)
			)
For	:	COMPLEX CATIONIC LIPIDS	)
		HAVING QUATERNARY	)
		NITROGENS THEREIN	)
			)
Examiner	:	Unknown	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and

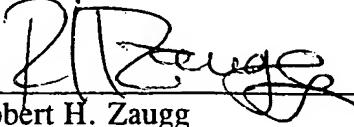
App. No. : 09/092,486  
Filed : June 5, 1998

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Vical Incorporated

Dated: 7/17/98

By: 

Robert H. Zaugg

Title: Vice President, Business Development

Address: 9373 Towne Center Drive  
Suite 100  
San Diego, California 92121

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WHEELER

Appl. No. 09/092,486

Filed: June 5, 1998

For: **Complex Cationic Lipids Having  
Quaternary Nitrogens Therein**

Art Unit: 1634

Examiner: Ardin Marschel

Atty. Docket: 1530.026000

**Revocation of Prior Power of Attorney, Appointment of New Attorneys  
of Record, and Change of Correspondence Address**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, having express authority to represent **Vical Incorporated**, the assignee of the entire right, title, and interest in the above-captioned application, by assignment filed at the U.S. Patent and Trademark Office on **August 24, 1998**, (copy enclosed), hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as his attorneys Robert Greene Sterne, Registration No. 28,912; Edward J. Kessler, Registration No. 25,688; Jorge A. Goldstein, Registration No. 29,021; Samuel L. Fox, Registration No. 30,353; David K.S. Cornwell, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Registration No. 32,831; Michele A. Cimbala, Registration No. 33,851; Michael B. Ray, Registration No. 33,997; Robert E. Sokohl, Registration No. 36,013; Eric K. Steffe, Registration No. 36,688; Michael Q. Lee, Registration No. 35,239; Steven R. Ludwig, Registration No. 36,203; Raz E. Fleshner, Registration No. 34,331; John M. Covert, Registration No. 38,759; and Linda E. Alcorn, Registration No. 39,588, with full power of substitution,

association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

The undersigned hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send all correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934.

Direct telephone calls to (202) 371-2600.

FOR: Vical Incorporated

SIGNATURE: RH Zaugg

BY: Robert H. Zaugg, Ph.D.

TITLE: Vice President, Business Development

DATE: Aug. 11, 2000

## Certificate Under 37 C.F.R. § 3.73(b)

Applicant: Carl J. Wheeler

Application No.: 09/092,486 Filed: June 5, 1998

Entitled: Complex Cationic Lipids Having Quaternary Nitrogens Therein

Vical Incorporated, a corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest, or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A.  An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9408, Frame 0907, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: Aug. 11, 2000

Name: Robert H. Zaugg, Ph.D.

Title: Vice President, Business Development

Signature: 